

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONER

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Shariem Houston 22P-0727

Full Name of Plaintiff

Inmate Number

v.

Atari Felton

Name of Defendant 1

Michael L. OTT

Name of Defendant 2

Claude A. Mease

Name of Defendant 3

Tina M. Litz

Name of Defendant 4

Name of Defendant 5

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

Civil No. 3:22-CV-1779
(to be filled in by the Clerk's Office)

☐ Demand for Jury Trial

☐ No Jury Trial Demand

**FILED
SCRANTON**

NOV 08 2022

PER [Signature]
DEPUTY CLERK

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

- ☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- ☐ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

Houston, Shariem, F

Name (Last, First, MI)

22 P-0727

Inmate Number

Lebanon county correctional facility

Place of Confinement

730 E. Walnut st

Address

Lebanon Pennsylvania 17042

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Felton, Atari

Name (Last, First)

Correctional officer

Current Job Title

730 E. Walnut st

Current Work Address

Lebanon PA 17042

City, County, State, Zip Code

Defendant 2:

OIT, Michael

Name (Last, First)

Deputy warden of Operation

Current Job Title

730 E. Walnut st

Current Work Address

Lebanon Pa 17042

City, County, State, Zip Code

Defendant 3:

Mease, Claude

Name (Last, First)

Captain of security

Current Job Title

730 E. Walnut st

Current Work Address

Lebanon pa 17042

City, County, State, Zip Code

Defendant 4:

Litz, Tina

Name (Last, First)

Warden

Current Job Title

730 E. Walnut st

Current Work Address

Lebanon Pa 17042

City, County, State, Zip Code

Defendant 5:

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

Lebanon County Correctional Facility Cell block-1 Cell-A
October 29, 2022 at approximately 2 pm

B. On what date did the events giving rise to your claim(s) occur?

October 29, 2022

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

1) During rec time, I passed gas, accidentally fecal matter also escaped 2) I immediately informed c/o hine ~~that~~ and c/o felton that, due to GI problems I have been having that "I just messed my underwear accidentally and requested to take an emergency shower 3) c/o felton began snickering stating "go get in the shower" 4) I went to my cell to wipe the remaining/excess waste off my hind area, then proceeded to shower area 5) while in shower area awaiting water to be turned on c/o felton informed me that my request to emergency shower was denied, "wash up in your cell". I complied with the directive 6) immediately upon entering my cell c/o felton closed my cell as we are not allowed "lines" in which to ~~to~~ shield nakedness by hanging a sheet, but we have to hang a sheet from cell bars in order to maintain privacy and dignity, c/o felton closed cell in order for me to create a barrier in which I hang sheet from cell bars in compliance with general rule #5 in LCCF handbook not obstructing the viewing of staff. 7) blanket hung from cell bars approximately 4' from the ground all c/o's are over 4' feet in height. 8) I got naked and began to wash my private area 9) approximately two minutes after ~~being~~^{getting} naked and "washing up" my cell door starts to open ~~the~~ taking away the barrier I created exposing to inmates that were in close proximity and eyesight of me in my complete nudity

III Statement of facts

C. Continued from page 4 of 6/7-8

10) extremely embarrassed, shocked and exposed, my nudity ~~and~~ garnered the laughter and ridicule of inmates around my cell
 11) hurriedly as to not cause further trauma to my already bruised ego wet with soap I put underwear and pants on and quickly approached 'the bubble'
 12) I confronted C/O Felton whom was still stationed at the control board attempting to stifle his laughter, I asked him; "why did you open my cell, exposing me naked to inmates on the block at rec time
 13) C/O Felton responded still trying but, unsuccessful to stifle his laughter "I didn't know you were naked washing up"
 14) my rebuttal was that in fact it was him C/O Felton whom informed me of Sgt in control's denial for me to shower, and He is the one who directed me to wash up in my cell in order to cleanse the fecal matter from my underwear and my person
 15) after my last statement C/O Felton again laughed
 16) I immediately asked for a white shirt (supervisor) and requested an emergency grievance form due to the nature of incident, conduct and lack of professional ethic shown by C/O Felton
 17) I witnessed C/O Felton call John Doe Supervisor explaining the situation minus the parts of him laughing also negating any prior knowledge of him knowing I was in my cell 'washing up' in a futile attempt to absolve himself of any wrong doing, he then informed John Doe Supervisor that I needed an emergency grievance in accordance with inmate handbook rule and regulations of L.C.C.F.
 18) C/O Felton ended his call and said; "You can write your grievance"

III Statement of facts

C. Continued from page 4 of 6/7-8

- 18) - "I can't stop you, but you know I'll write you up and send you to the S.H.U" (secured housing unit, the hole)
- 19) I replied "for what I didn't do anything wrong 20) c/o felton replied "for disrespecting an officer, threatening an officer and using abusive language 21) I perceived the blatant threat to be retaliatory conduct 22) I never received my emergency grievance nor did any supervisor speak to me about that specific issue 23) out of fear of going to the S.H.U for following up, writing grievance, I didn't, rendering the grievance process unavailable. Hence this is instant action
- 24) C/O Hine was present during the whole interaction between myself and c/o felton

C.(1a) Statement of facts

there is a rule and a common practice enforced by Michael L. Utt, Deputy warden of Operations to his Subordinates, prohibiting the use of 'lines' in order to maintain personal dignity further causing harm being in such close proximity with nothing to shield and no alternative to protect nakedness of one inmate from the eyes of another inmate and in some cases nurses, C/O's and even cameras while inmate is washing using toilette moving bowels etc. also enforcing this rule Tina M. Litz (warden) Claude A. Mease Captain of security

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

- 1) 8th Amendment of USC failure to protect and cruel and unusual punishment, 1st Amendment due process for threats if I filed grievance
- 2) 14th Amendment failure to protect, equal protection of the laws.
- 1A) C/O Felton knew I would be naked in my cell washing feces off my person because he directed me to do so. (line 5) He cruelly opened my cell exposing^{me} to harm while I was naked displaying deliberate indifference, because he knew I would be exposed^{myself}, by opening my cell after informing me to "wash up in my cell", opening my cell door while other inmates perused the common area around and in front of my cell door, taking away the only cover allowed due to policy not allowing 'lines' in which to hang partition to shield nakedness in cells
- 1B) C/O Felton maliciously acted and reacted in lines 5, 12, 13 with deliberate indifference after the fact
- 2A) failure to protect against other inmates by opening my cell knowingly that inmates

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

emotional distress as a victim of previous sexual abuse being forcefully exposed naked to other grown men hurt to the core also to be laughed at ridiculed

VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

I'm seeking relief as ~~for~~ exemplary or punitive damages due to evil intent behind C/O Felton actions reasonably the malice and or unintentional disregard will justify such relief also, ~~injunction~~ injunctive relief to stop prohibiting 'lines' for added privacy also injunctive relief for approved line to be passed out or alternative for privacy as to not obstruct view for security purposes but to aid in maintaining dignity

IV legal claims

Continued from page 5 of 6/7-8

- 2A) could and ~~did~~^{would} sexually assault me by aiding in exposing my naked body by opening my cell during block out (rec time) exposing me to harm
- 2B) Showing deliberate indifference because c/o felton knew of the excessive risk that he subjected me to by directing me to 'wash up' in my cell to remove fecal matter, waiting until I hung my sheet up on cell bars signaling that I would be naked and vulnerable (ends of the sheet are visible at bubble hanging out cell bars) seconds after he saw the sheets come out my cell bars he quickly opened my cell, subjecting me to extreme risk and not only failing to take measures to abate it actually aiding in the risk then laughing at the result and threatening to send me to the SHU because quote "I can't stop you (from writing a grievance)" but you know I'll write you up and send you to the SHU

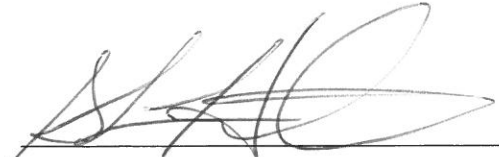
V. injury continued from page 5 of 6/7-8

by other inmates about seeing my penis and my behind makes it hard to face people I feel ashamed, and less of a man I'm still continuously made fun of by snickering and calling me names I'm suffering from severe anxiety and depression, I've been losing appetite because of depression stemming from this entire ordeal also living in fear of what c/o felton is capable of other than this situation my sleep patterns are also disturbed due to a spike in anxiety stemming from this ordeal, just a constant fear of further unethical conduct.

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.



Signature of Plaintiff

10-30-2022

Date

Shariem Houston
730 E. Walnut st
Lebanon PA, 17042

This address is a County Prison.
Sender is an inmate. County is
not responsible for debts "incurred."



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Sender is an inmate. County is
not responsible for debts "incurred."

Clerk of Courts

United States District Court

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Middle District of Pennsylvania

235 N. Washington Ave

PO Box 1148

Scranton Pa 18501

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